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June 6, 2024

Honorable Yvonne Gonzalez Rogers
United States District Judge
Northern District of California
1301 Clay Street
Oakland, CA 94612

Re: MDL No. 3047 / Case No. 4:22-03047-YGR
Response to Court's Sealing Inquiries Concerning Parties' Bellwether Briefs

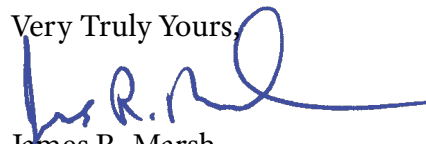
Dear Judge Gonzalez Rogers,

In response to the Court's inquiry at the Case Management Conference on May 17, 2024, counsel for the parties further met to review the submissions comprising ECF 810 and ECF 811 which addressed proposed redactions in the parties' bellwether briefs.

The parties acknowledge that, in line with the Court's comments at the conference, the redactions agreed to by the parties are inconsistent in that some of the Protected Health Information (PHI) appearing in the bellwether briefs is redacted, and some is not. But this was by design. In negotiating the scope of what would be redacted, the goal of the parties was to strictly limit redactions to material that was not already public (for example, in complaints or short-form complaints filed on the docket) while conforming to the contours and spirit of Federal Rules of Civil Procedure Rule 5.2(a) and ECF 665 which defines and governs PHI in this litigation. The resulting proposed redactions were largely on mutual consent with cooperative discussions and compromise on several items.

Upon consent to this letter, both sides hereby confirm that the proposed redactions pending before the Court reflect these considerations and are ripe for consideration by the Court. Thank you for your consideration.

Very Truly Yours,



James R. Marsh
Plaintiffs' Sealing Liaison

cc: All Counsel via ECF